



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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**ORDER AND DETERMINATION BY THE DIRECTOR**

Washington is experiencing one of the warmest and driest summers in recent history. Streamflow levels in some areas of the state are at or near record lows for this period of the year. One area of the state that is heavily affected by these conditions is the northwestern corner of the Olympic Peninsula which has received almost no rain since the middle of June, 2006. On the Makah Indian Reservation, the reservoir that supplies water to the reservation and the town of Neah Bay is nearly empty because the source stream, Edocket Creek, is nearly dry. The Makah tribe has put in place extraordinary restrictions on water use and has brought on line two new wells using temporary power sources. A portable desalination unit is being shipped to the reservation by the Federal government as a back-up source of supply if the wells fail to produce sufficient water. The water supply for Water Resource Inventory Areas 19 and 20 is below 75% of normal and the water shortage is likely to cause undue hardships for various water uses and users, including the tribe and the town of Neah Bay.

Therefore, upon the advice of the water supply availability committee, with the concurrence of the Executive Water Emergency Committee, and with the written approval of the Governor of Washington, in accordance with the provisions of RCW 43.83B.405, IT IS ORDERED that state Water Resource Inventory Areas 19 and 20 are under a drought emergency. This order is effective immediately and shall remain in effect through December 31, 2006, unless terminated prior to that date.

In accordance with the provisions of WAC 173-166-060, the Department of Ecology may, under the terms of this order, take the following emergency actions:

1. Issue emergency permits for water.
2. Approve temporary transfers of water rights.
3. Provide funding assistance to public agencies to alleviate drought conditions.
4. Take other actions depending on future developments.


Other state and local agencies with authority to issue permits or authorizations related to the drought emergency actions must provide a decision to an applicant within fifteen (15) calendar days of the date of application.

In accordance with the proclamation of the Governor, dated January 3, 1989 (Centennial Accord), nothing herein shall impair or infringe upon the treaty reserved rights or governmental authority of any federally recognized Indian tribe nor shall this order be deemed an assertion of state authority over Indian reservation lands. The Department of Ecology intends to work cooperatively, on a government-to-government basis, with any affected tribes.

This is an order appealable under chapter 34.05 RCW. It may be appealed only by filing an appeal with the Pollution Control Hearings Board and serving it on the Department of Ecology within thirty days of the date of receipt, pursuant to RCW 43.21B.310.

Further details about this order or the actions available under it may be obtained by contacting Kurt Unger of the Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600 or (360) 407-7262. Applications for emergency water permits or temporary transfers of water rights may be obtained by contacting Ecology's Southwest Regional Office in Lacey, Washington.

DATED this 11<sup>th</sup> day of September, 2006.

  
Jay Manning, Director  
Department of Ecology